



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER R3700

In re Application of: Chiodo et al.

Serial No.: 09/994,337

Art Unit: 3726

Filing Date: November 26, 2001

Examiner: Marc Jimenez

Title: Method for Disassembling Different Elements

Docket No.: 15-263C1

Watts, Hoffmann, Fisher & Heinke Co., L.P.A.
Suite 1750
1100 Superior Avenue
Cleveland, OH 44114

United States Patent and Trademark Office
Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Office Action mailed March 26, 2003, Applicant's undersigned representative submits the following election and remarks.

A Restriction Requirement has been imposed by the Examiner for this application. In particular, the Examiner is requiring Applicant to elect between two groups of claims, Group I (claims 65-90) directed to an article or Group II (claims 91-92) directed to a method. In the event the Applicant elects Group I, the Examiner has further imposed a second restriction requirement to elect between claims drawn to either Species A (claims 65-76) shown in Figures 3a-3b or Species B (claims 77-90) shown in Figures 1-2b.

The Applicant elects the claims of Group I, Species A (claims 65-76). However, the Applicant respectfully traverses the second restriction requirement and asks for its reconsideration and withdrawal.

Applicant submits that the second restriction requirement involving Figures 3a-3b and Figures 1-2b is inappropriate because the claims of both species are directed to the same invention and because searching both groups would not place a serious burden on the Examiner, as discussed in MPEP §803. Certainly, a search for the claims directed to Figure 3a-3b would be coextensive with a search for the claims directed to Figure 1-2b. It is well settled that the purpose of the Patent and Trademark Office practice of issuing restriction requirements is to avoid a burdensome examination. It is respectfully submitted that this purpose is not realized by dividing the claims in the subject application into multiple species and requiring separate examinations.

Accordingly, it is respectfully submitted that the second restriction requirement issued in this case should be withdrawn and that all the claims in Group I of this application be examined concurrently. Claims 65-90 will require essentially the same field of search and therefore the concurrent examination of all the claims of Group I will not create an undue burden on the Patent and Trademark Office.

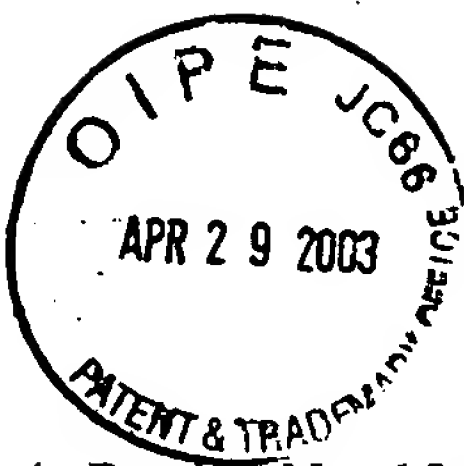
In view of the above, the Applicant respectfully requests that the Examiner withdraw the second restriction requirement and that claims 65-90 be examined.

Respectfully submitted,

Date: _____

William A. Johnston
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3726

Attorney's Docket No. 15-263C1

Patent

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In re the CHIODO ET AL.
Application of:
Application No.: 09/994,337
Filing Date: NOVEMBER 26, 2001
Title: METHOD FOR DISASSEMBLING
 DIFFERENT ELEMENTS

Examiner: MARC
 JIMENEZ
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AMENDMENT TRANSMITTAL

The Assistant Commissioner for Patents
BOX RESTRICTION REQUIREMENT
Washington, D.C. 20231

Transmitted herewith is a Response to Restriction Requirement for this application.

I hereby certify that this paper is being deposited with the
U.S. Postal Service as First Class Mail addressed to the
Assistant Commissioner of Patents, Washington, D.C. 20231

on April 24 2003

By: [Signature]

The fee for claims has been calculated as shown below:

CLAIMS	FOR	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c))	28	- 28	= 0	x \$18.00 =	\$
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	4	- 4	= 0	x \$80.00 =	\$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$270.00	\$ 0.00
					Total of Above Calculations =	\$ 0.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28).					0.00
	TOTAL =					\$ 0.00

_____ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9, 1.27:
 _____ is enclosed.
 _____ was previously filed.

_____ A check is enclosed to cover the \$0.00 fee for the presentation of additional claims.

X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for an extension of time.

_____ Applicant hereby petitions for a:
 _____ one month (37 C.F.R. § 1.17(a): \$110.00/\$55.00)
 _____ two month (37 C.F.R. § 1.17(b): \$390.00/\$195.00)
 _____ three month (37 C.F.R. § 1.17(c): \$890.00/\$445.00)
 _____ four month (37 C.F.R. § 1.17(d): \$1,390.00/\$695.00)
 _____ five month (37 C.F.R. § 1.17(d): \$1,890.00/\$945.00)
 extension of time pursuant to 37 C.F.R. § 1.136(a). If an additional extension of time is required, please consider this a petition therefor.

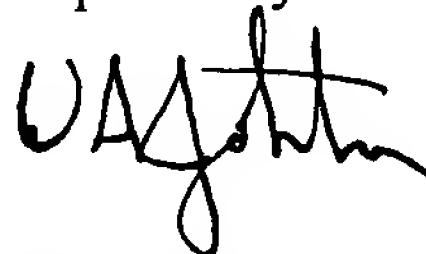
_____ A check is enclosed to cover the \$0.00 extension of time fee under 37 C.F.R. § 1.17.

_____ Charge Deposit Account No. 23-0630 in the amount of \$_____.

X

The Commissioner is hereby authorized to credit any overpayment or to charge any fees under 37 C.F.R. §§ 1.16, 1.17 in connection with this communication to our Deposit Account No. 23-0630.

Respectfully submitted,



William A. Johnston
Registration No. 47,687

Date: April 24, 2003

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